REMARKS/ARGUMENTS

These Remarks respond to the Office Action mailed June 21, 2006.

Claims 1-18 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-18. The present Reply amends claims 1, 10, 15, and 16, leaving for the Examiner's present consideration claims 1-18. Reconsideration of the rejections is requested.

Response to Rejection of Applicant's Remarks

The examiner continues to apply a definition of "indexing" found in Yeo and imposing it on the present application, even though the application and claims teach and disclose a specific and distinct definition of indexing. Applicant is permitted to be its own Lexicographer, *i.e.*, to supply a definition of a term for purposes of the disclosure. Here, Applicant has disclosed and taught that indexing signifies determining a point in time of a video sequence that has some significance, and creating/selecting a corresponding keyframe that corresponds to that time stamp. In contrast, the examiner and Yeo take the meaning of "indexing" to mean following a pre-selected keyframe to a video at a point in time. Indexing per Yeo and the examiner is merely following a pre-selected association at the client side; the present invention creates the association on the fly at the client side and permits the following step.

Further, the examiner admits that "time stamping does occur on *the server side* [in Yeo]." Office Action at 4 (emphasis added). <u>This is very important</u>, as Applicant's position is that, as indexing is disclosed and taught in the claims of the present application, *time stamping occurs on the client side*. Applicant is permitted to be his/her own lexicographer. Applicant previously amended the claims to teach the meaning of "indexing" to be: "wherein said indexing step with the client-side device further comprises selecting at least one look-x point for display to represent the at least one corresponding point in said data flow at a particular timeframe in the data flow." See claim 1 as previously amended. This teaching is in conformity with the disclosure.

> In streaming video applications, videos will often be indexed
> on the server-side, and the index points will be available to the client.
> However, as is the case with the majority of the video content
> available on the Internet, no server-side index exists. *The present
> invention creates an index on-the-fly on the client side. For creating
> such an index,* the client opens one or more streaming video
> connections in addition to a main connection used for playing back
> the video. . . . The additional connection or connections receive the

video from a position that is sufficiently far forward from the current playback position of the main playback stream so that index points in the future can be determined. Index points in the past can be determined from the main video stream, or an additional connection may be opened to retrieve video from positions previous to the current playback position.

Disclosure at 5-6 (emphasis added).

"[T]he second connection is used both for the video indexing and the extraction of keyframes to be displayed." Disclosure at 7. The following disclosure also is offered as to the client side:

To perform video indexing at points after the current playback position of the video stream 315, the [client side video player] device 320 opens a second connection 310 for transmission of look-ahead data of the video stream 315. [client side video player] Device 320 receives the look-ahead data 315 [sic 310], which is summarized, and keyframes are selected and utilized by the device 320 for making a display according to the present invention, having index video at points forward and behind a current playback position of the video stream 315. A user interface including video being played back is displayed on a display device 330.

Disclosure at 8.

Accordingly, time stamping in the present disclosure occurs on the client side, and not, as the examiner admits Yeo discloses, on the server side. For this additional reason, the claims as currently amended (and as previously submitted) are patentable over Yeo.

The examiner further suggests that Applicant argued that new video image generation occurs in the present invention. Office Action at 2. Applicant disagrees with the examiner's understanding. Applicant's reference to generation of images was not intended to refer to new image data, but rather, to "the manipulation of previously received data for display." See Response to Arguments, Office Action at 2-3. However, Applicant maintains that this system is not disclosed in Yeo, as the examiner suggests, because this manipulation happens on the client side in the present invention, and not on the server side as disclosed in Yeo.

The examiner also suggests that Yeo's image organizer 508 on the client side generates an index. Office Action at 3 (citing Yeo at Col. 4:13-26; Col. 6:6-18). Applicant respectfully disagrees. "Indexing" according to the claims of the present invention is taught as, "wherein said indexing step with the client-side device further comprises selecting at least one look-x point for

display to represent the at least one corresponding point in said data flow at a particular timeframe in the data flow." In other words, indexing associates, on the client side, a point in the look-x stream to a time reference in the data flow. That association is first created on the client side. The disclosure in Yeo at Col. 4:13-26 does not disclose that client-side image organizer 508 performs an indexing function as disclosed and taught in the present application. Instead, the cited text discloses that the input selector 502 differentiates between temporal snapshots and continuous video frames. Then, after differentiation, the data are transferred to the data organizer 508 through different pathways. No "indexing" by the image organizer, as defined in the claims of the present application, is disclosed.

Col. 6:6-18 of Yeo similarly does not disclose indexing as claimed in the present invention. As disclosed in the cited text, and as the examiner suggests, "indexing" as disclosed in Yeo is the process of actually consulting the index to get to a video segment and preview it. In other words, the user accesses the index from the client side, as set forth in the disclosure cited by the examiner: "With this hierarchical navigation tool, display application 310, a user can preview relatively small but yet relevant portions of source video frames 106 before committing network resources to download or playback all of the frames." Col. 6:6-18. However, the cited text does not disclose creating on the client side the association between the look-x data stream and a corresponding point in a data flow with a time reference, as taught in claim 1: "selecting at least one look-x point for display to represent the at least one corresponding point in said data flow at a particular timeframe in the data flow." That step in Yeo is done on the server side:

It is unclear to Applicant why the examiner argues that "A single frame with a single time stamp does not constitute an Index. It is the assembly of *multiple* displayed frames with corresponding timestamps, assembled on the clien side in Yeo that constitutes an index." Office Action at 3 (emphasis in original). Applicant has used open language in the claims: "comprising" and "at least" and "a plurality." Applicant has not limited indexing to one data point, although it is possible and sometimes preferable to index or bookmark a particular point in time in a video. As taught in the present invention, this can be done, on-the-fly, at the client side.

Applicant respectfully submits that the claims are all allowable over the cited art because "indexing" as disclosed and taught in the present application is distinct from "indexing" in Yeo, and it is done on the client side, on-the-fly, with time stamping on the client side—unlike as disclosed in

Yeo. Reconsideration respectfully is requested, and a Notice of Allowance. More specific remarks follow.

Rejection Pursuant to Section 102(e)

Claims 1-5, 10-13, and 15 were rejected under 35 U.S.C. §102(e) as being anticipated by Yeo, U.S. Patent No. 6,711,741 ("Yeo").

The examiner suggests, as set forth above in Response to Arguments, Office Action at 3-4, that the client side organizer 508 disclosed in Yeo creates the index locally from time stamped data for the corresponding temporal snapshots. Office Action at 5 (citing Yeo Col. 4:13-26; Col. 6:6-18). Applicant respectfully disagrees for all of the reasons set forth above in "Response to Rejection of Applicant's Remarks," which remarks are incorporated herein in full, by reference. Accordingly, claim 1 is patentable over the cited Yeo reference, and all claims depending directly and indirectly from claim 1 – that is, dependent claims 2-9 – also are allowable.

Independent claim 10 is rejected for the same reasons as independent claim 1, except that the examiner cites Yeo at Col. 5:56-Col. 6:18 in addition to other matter cited in connection with claim 1. That subject matter merely adds that the client side organizer 508 allows the user access to a pre-made index. A user selects an image the image corresponding to a scene and is then presented with several images corresponding to a series of shorter scenes within the original scene. The client side organizer 508 of Yeo thus allows the user to access more than one layer of indexing. However, the hierarchical structure of the Yeo index does not change the fact that the Yeo index is pre-made and pre-timestamped on the server side before it is accessed by a user on the client side. In contrast, the present independent claims 1 and 10 teach indexing and time-stamping on the client side, on-the-fly on the client side, and the index is accessed by a client/user at the client side. Independent claim 10 therefore is allowable over the cited Yeo reference; accordingly, claims depending directly and indirectly from claim 10, i.e., claims 11-14, also are allowable over the cited Yeo reference. Reconsideration of the rejection is requested, as well as a Notice of Allowance.

Independent claim 15 is rejected for the same reasons as independent claims 1 and 10 and those remarks are incorporated herein in full, by reference. Independent claim 15 also has been amended to specify "on-the-fly," and, like independent claims 1 and 10, claim 15 claims time stamping on the client side. Accordingly, reconsideration of the rejection is requested, and a Notice of Allowance.

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Independent claim 16 is not rejected under 102(e), but under 103(a). However, claim 16 has been amended to contain the same limitations discussed above which render allowable the independent claims 1, 10, and 15, and their dependent claims. Accordingly, claim 16 and its dependent claims 17 and 18 are allowable over Yeo.

Rejection Pursuant to Section 103(a)

Claims 6-9, 14, and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yeo in view of Ceccarelli, U.S. Patent No. 6,222,532 ("Ceccarelli"). Office Action at 9.
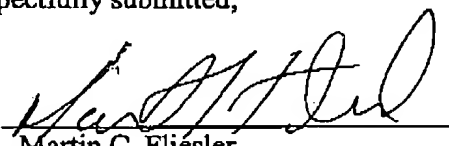
The examiner does not argue, and Ceccarelli does not disclose, that time stamping occurs on the client side. As such, Ceccarelli in combination with Yeo fail to teach, disclose, or suggest each element of the independent claims and thus also the dependent claims. Accordingly, claims 6-9, 14, and 16-18 are allowable over the cited art.

CONCLUSION

In light of the above remarks and amendments to the claims, it is respectfully submitted that all claims as amended in the subject patent application are allowable. Reconsideration of all rejections and a Notice of Allowance respectfully are requested. The Examiner is respectfully requested to telephone the undersigned if she can assist in any way in expediting issuance of the patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Dated: _October 6, 2006_   By: _____
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